

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: Ikuo URATANI, et al

Serial No.: 10/769,784

Filed: February 3, 2004

For: DISK ARRAY APPARATUS, AND METHOD FOR AVOIDING
DATA CORRUPTION BY SIMULTANEOUS ACCESS BY

LOCAL
AND REMOTE HOST DEVICE

Group: 2116

Examiner: A. ELAMIN

REQUEST FOR APPLICATION OF PREVIOUSLY PAID ISSUE FEE

MS Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 5, 2007

Applicants submit that the above-referenced application was originally allowed by a Notice of Allowance dated October 17, 2006, for which the Issue Fee was paid on December 5, 2006.

However, in accordance with 37 CFR §1.313(c)(2), Applicants filed a Petition to Withdraw the above-referenced application from issue in favor of a Request for Continued Examination (RCE) so as to permit consideration of an Information Disclosure Statement filed on December 27, 2006.

The Examiner upon examining the application based on the December 27, 2006 RCE and Information Disclosure Statement again allowed the application by the January 10, 2007 Notice of Allowance for which the Issue Fee is due on April 10, 2007.

Upon granting the Petition to Withdraw from Issue dated December 27, 2006, the Office of Petitions indicated that if the application is again allowed

the Issue Fee paid on December 5, 2006 can be applied towards the Issue Fee of the new Notice of Allowance.

Accordingly, Applicants hereby respectfully request that the Issue Fee paid on December 5, 2006 in the amount of \$1,700.00 for the above-referenced application be applied toward the Issue Fee with respect to the new Notice of Allowance dated January 10, 2007 being paid on even date herewith. Attached herewith is a copy of the December 28, 2006 Decision granting the Petition filed on December 27, 2006.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (1309.43471X00) please credit any excess fees to such deposit account.

Respectfully submitted,



Carl I. Brundidge
Registration No. 29,621
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C

CIB/jdc
(703) 684-1120

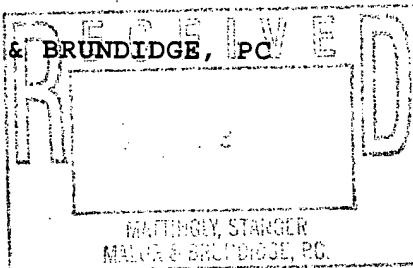


UNITED STATES PATENT AND TRADEMARK OFFICE



C13
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MATTINGLY, STANGER & MURRAY & BRUNDIDGE, L.P.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314



COPY MAILED

DEC 28 2006

OFFICE OF PETITIONS

In re Application of :
Ikuo Uratani et al :
Application No. 10/769,784 :
Filed: February 3, 2004 :
Attorney Docket No. 1309.43471X00 :

This is a decision on the petition, filed December 27, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 5, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2186 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Frances HICKS
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Dec10\769784.wpd

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.*